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DEPARTMENT FOR IO/T, ISN/MNSA

E.O. 12958: DECL: 11/03/2018  
TAGS: [AORC](#) [KNPP](#) [IAEA](#) [UN](#)  
SUBJECT: IAEA: PURSUING TERM LIMITS FOR THE DIRECTOR  
GENERAL

Classified By: Ambassador Gregory L. Schulte for reasons  
1.4 b and d

#### Summary

1. (S) The IAEA is an outlier among most international organizations (IOs) which have instituted term limits for their directorships. Previous efforts to do so at the IAEA have failed due to G-77 opposition as they were seen as directed against DG ElBaradei. The DG election cycle presents an opportunity for a renewed push for term limits as a management reform objective, as opposed to a referendum on a current or newly appointed DG. Term limits would be good general practice in light of the growing influence of the G-77 at the IAEA and the likelihood that future DGs come from G-77 ranks. Board discussion of term limits would also serve an unspoken purpose of dissuading DG ElBaradei from reentering the race in the event of Board deadlock, were he inclined to do so. Implementation of term limits would not require an amendment to the IAEA Statute but could be accomplished in tandem with the Board appointment of the next DG, via a draft resolution for GC approval. Kwaku Aning, Secretary of the Policy-Making Organs, advised informally against presenting term limits as a Geneva Group initiative, and encouraged broad and early consultation with Board members and non-members to get G-77 buy-in. Such an effort would have to be rolled out by the November 2008 Board and incorporated in DG election consultations over the coming months. Mission requests Department guidance on whether to explore DG term limits at the IAEA. End Summary.

#### Arguments for Term Limits

2. (U) The United States and the Geneva Group have historically supported term limits for directorships of international organizations (IOs). While the majority of IOs have instituted term-limits, the IAEA is one of a few outliers without formal or informal term limits for Directors General. To the contrary, IAEA Directors General (DGs) have traditionally served successive terms, a reflection of the "technical mandate" of the organization, though most other technical agencies have term limits. There have only been four DGs since the Agency's inception in 1957: ElBaradei (Egypt) (1997-present); Blix (Sweden) 1981-1997; Eklund (Sweden) 1961-1981, and Cole (USA) 1957-1961.

3. (C) The Annex of a 1997 UNGA resolution (51/241) encourages specialized agencies to consider implementing term limits on their directorships. Though it is not officially a specialized agency of the UN, the IAEA generally models its rules and procedures after those of the UN. The United States and Geneva Group raised this issue at the IAEA in a 2001 letter to DG ElBaradei, when he ran for a second term, which emphasized the Group's policy on a two-term limit for heads of UN organizations. This and subsequent efforts to pursue term limits at the IAEA have failed, largely due to

the perception that they were directed at ousting DG ElBaradei. In addition, Kwaku Aning, Secretary of the Policy Making Organs, recalls that the 2001 Geneva Group letter prompted a negative reaction among the G-77 because it came across as intimidation on the part of major donors.

¶4. (C) As the Agency has grown over the years, so too has the influence of the G-77. The days when a Western European DG could expect to reign over the IAEA for a 20-year period are long since gone. DG ElBaradei was the first to come from G-77 ranks, but will certainly not be the last. The arguments for term limits are all the more salient today because the chances that we will always get a Director General "to our liking" have significantly diminished. Absent term limits, it would be extremely difficult, if not impossible, to unseat an incumbent DG who has G-77 backing and is intent on a third term, as we learned in 2004 with the re-election of ElBaradei.

#### Term Limits as an Electoral Issue

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¶5. (C) The DG election may present a good opportunity to push for term limits at the IAEA. Doing so concomitant with the election process would avoid any misinterpretation of term limits as aimed at the current or newly appointed Director General. DG ElBaradei has already declared himself unavailable for a further term of office. The best time to pursue this effort would be before a successor is appointed; candidates for Director General should also be encouraged to support term limits as part of their platform. Among the two current front-runners, South African Governor Minty has already told Ambassador Schulte he would be inclined to seek only one term due to his age. As a Geneva Group member,

Japanese Governor Amano would presumably support term limits, though we have not broached the subject with him.

¶6. (S) Although the USG should refrain from stating this, initiating a discussion of term limits early in the electoral cycle would also help discourage any last minute reconsideration by DG ElBaradei of reentering the race in the event of Board deadlock. We have no indication that DG ElBaradei is so inclined, and by all appearances he is preparing to leave office. However, if no candidate for DG can command the required two-thirds support of the Board, the slate of candidates would be wiped clean. It would be theoretically possible for ElBaradei to reenter the race and "save the day" in such a scenario.

#### Implementing Term Limits

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¶7. (SBU) Since the IAEA Statute is silent on the issue, instituting term limits would not require an amendment to the Statute, a cumbersome process that could take decades. The Board could technically adopt term limits through an amendment to its Rules of Procedure (Rule 48 on appointment of the DG) or the selection procedures for election of the next DG, which were approved in October. In an informal discussion October 29, Aning agreed that an amendment to the Statute was unnecessary, but advised that it would be inappropriate and undemocratic for the Board to institute term limits without the consent of the General Conference (GC), as that body comprising all Member States approves the Board's appointment of the DG. Aning recommended attaching term limits to the June Board decision on appointment of the next Director General, i.e. via a Board recommendation / draft resolution on term limits for GC approval.

¶8. (C) Aning further advised that such an effort would require the broadest and earliest possible consultations, as early as the November Board. He recommended against presenting term limits as a Geneva Group initiative, as this would prompt knee-jerk G-77 backlash. Instead, he encouraged broad consultations with Board members and beyond to seek early G-77 buy-in. At the latest, such a discussion should be initiated by the November Board, and incorporated in DG

election consultations in the run up to the March 2009 Board, where term limits could be raised formally under the DG election agenda item.

Request for Guidance

19. (C) Mission requests Department's authorization to begin a discussion of possible term limits at the IAEA with Board members and others in advance of the November 2008 Board of Governors with a view toward raising this issue under AOB. The issue of term limits could arise as early as November 7 when we are scheduled to meet with like-minded COMs. In the meantime, pending instruction, we will simply note standing U.S. policy for term limits in IOs. Mission also understands that there may be related issues regarding the new DG's contract and harmonization with packages elsewhere in the UN system; we request further explication and guidance on this as well, although this topic is clearly less urgent than the issue of term limits.

SCHULTE